

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50172

Summary Calendar

SUZANNE M. FLUD

Plaintiff-Appellant,

versus

SHIRLEY S. CHATER,
COMMISSIONER OF SOCIAL SECURITY

Defendant-Appellee.

Appeal from the United States District Court
For the Western District of Texas
USDC No. SA-94-CV-1078

September 12, 1996

Before HIGGINBOTHAM, WIENER AND BENAVIDES, Circuit Judges.

PER CURIAM:¹

Suzanne Flud appeals the district court's decision affirming the Commissioner of Social Security's determination that Flud was not entitled to disability insurance benefits. She argues that the Administrative Law Judge ("ALJ") failed to consider adequately her subjective complaints of pain and the debilitating side-effects of her medication, and failed to explain in sufficient detail why he

¹Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

did not find her allegations of pain to be credible. Our review of the record reveals that the ALJ made an explicit finding regarding Flud's subjective complaints of pain, and explained that finding in the context of his ruling ("claimant's complaints of pain are found credible to the extent she could not perform a light, medium, or heavy work"). The ALJ found the medical evidence more persuasive than Flud's testimony in deciding that Flud was capable of sedentary work, which is precisely the kind of determination that the ALJ is best positioned to make. See Falco v. Shalala, 27 F.3d 160, 163-64 (5th Cir. 1994). Despite appellant's assertions to the contrary, our review reveals substantial evidence in the record to support the ALJ's finding.

Flud also asserts that the ALJ should have ordered a consultative exam. As the record does not establish that such an examination was necessary for the ALJ to make his disability decision, the ALJ did not have to order such an exam. See Jones v. Bowen, 829 F.2d 524, 526 (5th Cir. 1994).

Because substantial evidence supports the Commissioner's decision, the district court's decision is AFFIRMED.